

PATENT APPLICATION
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Docket No: Q112119

Hiroyuki NAKAMURA

Appln. No.: 10/571,993

Group Art Unit: 3728

Confirmation No.: 5590

Examiner: PAGAN, JENINE MARIE

Filed: March 15, 2006

For: MEDICAL TREATMENT KIT

SUBSTITUTE AMENDMENT UNDER 37 C.F.R. § 1.111

MAIL STOP AMENDMENT

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

This Amendment Under 37 C.F.R. § 1.111 is a substitute for an Amendment Under 35 U.S.C. § 114(c) that was filed on March 26, 2009, and was fully responsive to the Office Action mailed October 6, 2008. The Amendment as filed was accompanied by a request for an RCE, However, the Office Action dated October 6, 2008 was a first Office Action after filing an RCE by previous counsel on September 3, 2009. Prosecution was not closed. Pursuant to the provisions of MPEP 706.07(h), the filing of an RCE and Amendment under 37 CFR § 114 is improper since “An applicant cannot request continued examination of an application until after prosecution in the application is closed. See 37 CFR 1.114(a).” Accordingly, the Commissioner for Patents is respectfully requested to treat the previously filed Amendment as a submission under 37 C.F.R. § 1.111 or to amend the above-identified patent application as follows:

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